



WESTERN STATES WATER

Addressing water needs and strategies for a sustainable future.

Issue #2691
February 6, 2026

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ADMINISTRATION

EPA/CWA §401 Certification

On February 5, the Environmental Protection Agency (EPA) held its third virtual public meeting session on the proposed revisions to the Clean Water Act (CWA) Section 401 Certification Rule (Docket ID: EPA-HQ-OW-2025-2929). Lauren Kasperek, EPA's §401 team lead, outlined EPA's proposed revisions including: (1) narrowing the scope of certification to point source discharges; (2) standardizing certification request contents to clarify when review timelines begin; (3) prohibiting 'withdraw and resubmit' and limiting timeline extensions; (4) requiring specific content and rationale in certification decisions; (5) requiring applicant consent for certification modifications; (6) establishing a 90-day deadline for resolving neighboring jurisdiction objections; and (7) streamlining the tribal Treatment as a State (TAS) pathway for §401.

Portia Osborn of the National Association of Wetland Managers (NAWM) argued the proposed regulations undermine cooperative federalism and state/tribal authority by placing undue limits on the scope of certification analysis, the interpretation of "any other appropriate requirement of state law," and the ability of certifying authorities to request necessary information. Osborn emphasized the importance of meaningful engagement with states and tribes, who have over 50 years of experience implementing §401 programs. Osborn recommended that EPA "hold a series of interactive regional working meetings focused on collaborative discussion with states and tribes when developing any final rule updating the §401 regulations." Osborn said this and other recent CWA rulemakings "increases regulatory instability and may necessitate additional rulemakings in the near future."

CONGRESS/WATER RESOURCES

Senate/Cybersecurity

On February 4, the Senate Environment and Public Works Committee held a hearing to examine the cybersecurity challenges impacting American water infrastructure and to identify opportunities to improve water sector security. In her opening statement, Chairman Shelley Moore Capito (R-WV) said "In addressing these cyber challenges, we must strike the right balance between the role of federal agencies and empowering local utilities to address their challenges and improve their cybersecurity at their own facilities. Due to the constantly evolving technological environment that we live in, addressing this challenge

will require innovative solutions that enable utilities to adapt and respond to quickly changing circumstances."

D. Scott Simonton, PhD, of the Marshall University Institute for Cyber Security explained that artificial intelligence is enabling more sophisticated, automated cyberattacks and lowering barriers to large-scale campaigns. He emphasized the need for proactive cybersecurity architectures that deceive attackers, restrict unauthorized access, and automatically interrupt malicious activity. He highlighted common water sector weaknesses such as: (1) internet-exposed machine control interfaces and weak remote access controls; (2) insecure industrial equipment and poorly configured devices; (3) old technology and dependence on vendors; (4) shared accounts, default passwords, or lack of multi-factor authentication; (5) limited monitoring and detection.

Matt Odermann, National Rural Water Association, called for Congress to "lead with assistance, not enforcement" and to fund any mandates by providing grants, low-interest loans, or set-asides. He emphasized that most water systems are struggling with phishing, weak passwords, outdated systems, and lack of backups—not advanced nation-state threats. "Federal efforts should prioritize practical, achievable baseline controls rather than complex frameworks that overwhelm small utilities." He called for practical, flexible, and scalable approaches rather than a "one-size-fits-all" approach.

Scott Dewhirst of the Association of Metropolitan Water Agencies (AMWA) highlighted the Water Infrastructure Resilience and Sustainability Act (H.R. 5566/S. 3590), which would reauthorize (1) the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program; and (2) the Clean Water Infrastructure Resiliency and Sustainability Program. Dewhirst said fully funding these programs would greatly increase the number of public water systems able to undertake security initiatives.

WSWC/WATER RESOURCES

ICWP/WSWC Workforce Development Webinar

On January 29, the Interstate Council on Water Policy (ICWP) and WSWC hosted their second webinar on Water Workforce Development: Insights, Strategies, and Solutions, bringing together state and regional water agencies. Participants discussed approaches to closing talent gaps, navigating AI in the workplace, and improving recruitment and retention. The discussion

highlighted barriers such as legacy systems that limit the adoption of new tools, data security and meaningful metadata concerns, and potential loss of expertise as experienced staff retire. Agencies explored recruitment and retention strategies, emphasizing the value of internships, communicating clearer job descriptions, encouraging applicants with non-traditional backgrounds, and using practical assignments (e.g., writing samples, inspection letters). The discussion also emphasized cost-effective collaboration with consultants and maintaining networks with former employees to address workforce shortages.

WESTERN STATES

State of the State Addresses

Arizona

On January 12, Governor Katie Hobbs (D-AZ) delivered her State of the State address, emphasizing water security and economic stability. She announced a new Active Management Area (AMA) for La Paz County to address groundwater depletion and land subsidence in the Ranegras Plain Basin, saying the AMA is intended to protect local groundwater supplies from “out-of-state special interests” while giving residents a voice.

Hobbs highlighted the success of the Ag-to-Urban and Alternative Designation of Assured Water Supply programs, which designated water supplies for over 60,000 new homes. “This type of smart growth is our future.... I reject the naysayers on both sides who pit economic growth against a sustainable water future. Those who say we must gut water protections to grow our economy, or who say we must sacrifice our farms, jobs, and businesses to protect our natural resources. Arizona is better than that. We have always risen to the moment to defend our security, opportunity, and freedom while protecting our water for our families.”

On Colorado River negotiations, Hobbs called for the federal government to step in to “ensure the Upper Basin is stepping up and conserving water like Arizona does, and get a deal done.” She cited the creation of a Colorado River Litigation Fund in 2025 and proposed \$30M for a new Colorado River Protection Fund to expand conservation efforts. Hobbs also proposed eliminating the Data Center Tax Exemption to “[put] and end to a \$38M corporate handout.” She framed this as part of a larger push to “make data centers pay their fair share for the water they use.”

California

On January 8, Governor Gavin Newsom (D-CA) delivered his final State of the State address, reflecting on his lifelong personal connection to California’s rivers. He described how rivers shaped the state’s history and sense of place, highlighting “the Native peoples shaped by these rivers” and the “farmers who worked the soil, nourished by these rivers.” He highlighted the advancement of the Sites Reservoir, noting that it is the first above-ground water storage project in California

in 50 years. He attributed the progress of such projects to the state’s new fast-track permitting authority.

Colorado

On January 15, Governor Jared Polis (D-CO) delivered his final State of the State address. He celebrated implementation of the Colorado Water Plan, which included \$127M for local water projects. He noted record interest in Water Plan Grants, which have supported 530 projects to date. On Colorado River negotiations, he said Colorado is “working to find consensus while protecting the water for Upper Basin States.” He criticized the presidential veto of the Finish the Arkansas Conduit Act and denied disaster aid.

Polis emphasized climate and energy priorities, noting snowpack is “only 62% of average” and reaffirming the goal of “100% clean energy,” with more than 70% of electricity from wind and solar by 2030. He said emerging technologies like geothermal and carbon capture are needed and urged continued investment in infrastructure, including “power lines and power plants.”

Idaho

On January 12, Governor Brad Little (R-ID) delivered his State of the State address, unveiling the ENDURING IDAHO plan. He emphasized that his budget plan maintains critical water infrastructure funding at \$30M to support Idaho’s farmers and ranchers. He highlighted the state’s use of one-time federal funds to invest in infrastructure, including roads, water, and sewer systems, while continuing to pay down debt. “Water is the lifeblood of Idaho’s economy and our way of life. By continuing our water infrastructure investments, we are standing with Idaho’s farmers and ranchers — the people who feed and fuel our state. This funding reflects a long-term commitment to rural Idaho, ensuring we protect our water resources, strengthen our agricultural economy, and keep our communities resilient for generations to come.”

Kansas

On January 13, Governor Laura Kelly (D-KS) delivered her State of the State address, emphasizing establishing a sustainable dedicated funding source to address water insecurity. She highlighted the establishment of the Water Task Force in 2025, but called for sustained funding: “We must do something that no legislature, no administration, has ever been able to accomplish, and that’s to properly address our water crisis.... Now, I’m calling on the legislature to support that task force in its work to lay out a comprehensive, long-term strategy and identify a dedicated funding source, much like we have successfully done for our highways. I know it won’t be easy. I know it is a very sensitive political issue. But the future of our entire state is dependent upon the actions we take today. It will require looking beyond the next election and looking instead to the next generation. And some day, when your great-grandchildren are looking

at the family album, let it be said that when you were in the legislature, and you had the chance, you did the right thing. Water isn't a partisan issue. It's a Kansas issue. And it is a time-sensitive issue. Let's treat it that way and make it a top priority this session."

Nebraska

On January 15, Governor Jim Pillen (R-NE) delivered the State of the State address, celebrating the state's fiscal health and business-like efficiency, highlighting a nearly \$2B general fund reserve alongside historic tax cuts. Addressing energy resources, the Governor touted Nebraska's ethanol industry as number one in the nation and called for regulatory changes to allow large power users to build and operate their own electricity generation.

New Mexico

On January 20, Governor Michelle Lujan Grisham (D-NM) delivered the final State of the State address, highlighting infrastructure investments, including a \$1.5B transportation bonding package and \$110M for housing. Lujan Grisham urged lawmakers to codify the Climate Action Plan to cut emissions 45 percent by 2030 and reach net-zero by 2050. "I'm talking about supporting agricultural practices that make farming more sustainable and crops more resilient. I'm talking about forest management strategies that protect our natural resources and prevent devastating fires.... Overall, I'm talking about an all-hands-on-deck, comprehensive effort to lead the nation and the world – to make our air cleaner, our water safer, our energy costs affordable and our communities more resilient."

North Dakota

On January 21, Governor Kelly Armstrong (R-ND) delivered his State of the State address. He focused his remarks on rural healthcare access, workforce stability, and wellness incentives.

Oklahoma

On February 2, Governor Kevin Stitt (R-OK) delivered his final State of the State address. Stitt has proposed a flat FY2027 budget including a \$750M Taxpayer Endowment Fund. He emphasized that his administration achieved capital improvements without increasing government headcount, while also calling for a constitutional cap on spending growth to protect taxpayers.

Utah

On January 22, Governor Spencer Cox (R-UT) delivered his State of the State address, urging Utahns

to recommit to civic virtue and moral character, framing the state's future around the habits of self-government and America's founding principles. Addressing the state's housing crisis, he called for zoning reforms and "infrastructure support" to increase supply, declaring that Utah must not become a "state of renters."

Washington

On January 13, Governor Bob Ferguson (D-WA) delivered the state of the state address, highlighting historic flooding that occurred in December 2025, which caused "tremendous damage and hardship." He highlighted the impact on towns such as Sumas and Concrete. He praised the coordination between the National Guard and the Army Corps of Engineers to protect Washington's levees and the communities around them.

MEETINGS

The WSWC Spring (209th) Meetings and Washington, D.C., Roundtable, jointly hosted by the Interstate Council on Water Policy (ICWP), will be held from April 21-24, 2026.

Joint ICWP-WSWC Roundtable, April 22-23rd

This is an in-person meeting with a registration fee. Please see ICWP's website for more details and registration. <https://icwp.org/news/2026-washington-dc-roundtable-2/>

WSWC Organizational Meeting

This meeting will be held in person with virtual accommodations. There is no registration fee. Please register in advance at <https://westernstateswater.org/events/2026-wswc-spring-209th-meetings-and-washington-roundtable>

Schedule of Meetings

Monday – Travel Day
Tuesday – WSWC Congressional Visits
Wednesday – Joint ICWP-WSWC Roundtable and evening reception
Thursday – WSWC Organizational Meeting
Friday – WSWC-WestFAST Principals Meeting (EPA Headquarters from 9:00 AM - 11:00 AM)

Venue

All ICWP/WSWC meetings on Wednesday and Thursday will be held at the Xylem Reservoir Center for Water Solutions located at 301 Water Street SE, Washington, DC 20003.

The WESTERN STATES WATER COUNCIL is a government entity of representatives appointed by the Governors of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.